

Application No.: 10/770,095

Attorney Docket No.: 59037US002

**BEST AVAILABLE COPY**REMARKS

Claims 2-22 and 24-34 are presently pending. Claims 1 and 23 were previously canceled. Claims 22-24 and 32-34 are added. Support for the added claims may be found in the specification as filed, *passim*. Specific support for added claim 32 may be found, *inter alia*, at page 5, lines 20-22; support for added claim 33 may be found in the Examples, including from page 11, line 19 to page 12, line 14, and from page 19, line 12 to page 20, line 19; and support for added claim 34 may be found at page 8, lines 3-12.

Applicant also amends the specification to identify the serial number of the co-pending patent application previously referenced by an Attorney Docket No. This amendment is offered to address the objection noted in Paragraph 5 of the Office Action.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner introduces the rejection of claims 2-7, 14-19, and 24-29 under 35 USC § 103(a) as rendered obvious over the disclosure of U.S. Patent No. 5,099,088 (Usami) in view of European Patent No. 971369 (De Ridder).<sup>1</sup>

The Examiner relies on the primary Usami reference for teaching of all features of the rejected claims except for the claimed sealant material comprising a silicone gel and a microsphere filler distributed within the silicone gel. The Examiners entire characterization of the Usami references is as follows:

" . . . Usami teaches a method of sealing a sealable device/enclosable container (*i.e.*, a splicing apparatus) utilizing a flexible sealant comprising a silicone gel. Note that Usami's sealable device/enclosable container has features that read on those of [sic] sealable device/enclosable container in the present invention . . . Usami is silent on the use of a silicone gel containing microsphere fillers." (Office Action at page 3-4) (citations omitted).

<sup>1</sup> Citations to the De Ritter European Patent reference in the Office Action refer to its related U.S. Patent (6,194,476). Applicant will do the same in this Amendment and Response.

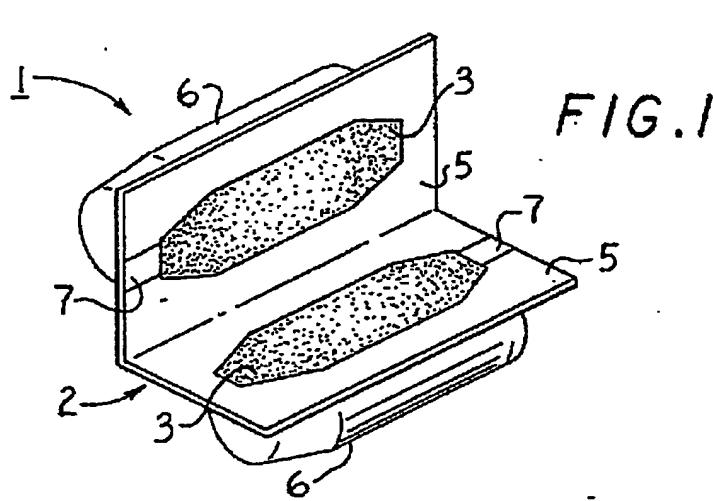
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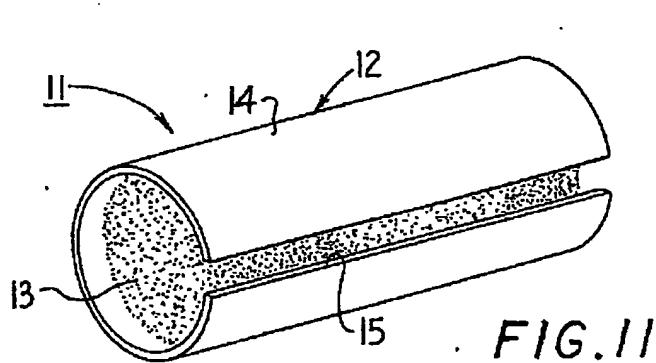
The Examiner then provides a detailed explanation setting forth the alleged similarities between the claimed sealant material and the crosslinkable silicone gel-forming compositions disclosed by the secondary De Ritter reference, relying on this disclosure to support the obviousness rejection. As for the motivation to combine the teachings of the two references, the Examiner states that "De Ridder teaches the use of a silicone gel containing a hollow compressible filler for an electrically insulation [sic] seal. The motivation of using this silicone gel is to effectively fill the hollow body that the silicone gel composition intended to fill in." (Office Action at page 4).

Applicant respectfully offers the following traversal. The Examiner's concentration on the teachings of the secondary De Ridder reference and its disclosure of certain crosslinkable silicone gel-forming compositions ignores several other features of the rejected claims not taught by Usami, either alone or in combination with the De Ridder reference. Usami discloses a means for splicing conductive wires that makes use of a support member in which the a wire splice is embedded in a sealant that is capable of retaining a gel-like tackiness. (See, e.g., col. 4, lines 6-27). Three specific embodiments of the means and the support structure are disclosed in the reference, only two of which can possibly be considered enclosable. The support structure of one embodiment includes a half-shell configuration and is exemplified by Figure 1 (reproduced below):



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A second embodiment includes a cylindrical support structure and is depicted in Figure 11 (reproduced below):



In neither these two nor any of the other embodiments shown in Usami is it taught or suggested to close an enclosable container in a manner where a sealant material is compressed in the manner recited in the rejected claims. Indeed, just the opposite is taught with respect to the cylindrical embodiment of Figure 11, where splicing means (11) is fitted with a ring that engages the slit of the body to *expand* the ends and forcibly open the slit, allowing a splice to be embedded in a sealant and closed again "by virtue of its own restoring force." (Col. 5, lines 51-68). Thus far from teaching or suggesting the methods and devices of the rejected claims, in at least this facet, the Usami reference teaches away from them.

The Usami reference fails too in several other respects relevant to several of the dependent claims. Nowhere, for example, does the Usami reference teach the geometric relationship between the two portions of sealant material recited in dependent claims 3, 17 and 26. As for the newly added claims, the Usami reference fails to teach or suggest pre-molding of the sealant material, a sealant material having a tack or tackiness of less than 2.0 grams or a container in which less than its entire interior portion is filled with a sealant.

The De Ridder reference cures none of these fundamental defects in Usami. Nor does the Examiner rely upon De Ridder for such teaching, as it is cited only for the alleged compositional teaching of the claimed sealant materials. Applicant respectfully submits that neither the rejected

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claims nor the newly added claims are rendered obvious over the disclosure of Usami in view of De Ridder and therefore requests reconsideration and withdrawal of the rejection.

The Examiner also introduces the rejection of claims 8-13, 20-22 and 30-31 under 35 U.S.C. § 103(a) as obvious over Usami in view of De Ridder and Japanese Patent Publication JP 63-280766 (Matsumoto). The Examiner relies on the Matsumoto reference for disclosure of a silica filler of the type recited in the rejected dependent claims.

Without acquiescing to the Examiner's assertions with respect to the scope of the disclosure of Matsumoto or the motivation to combine the Matsumoto reference with either the Usami or the De Ritter references, Applicant respectfully traverses the rejection on substantially the same grounds as provided above. The Matsumoto cures none of the recited defects in the teachings of the Usami and De Ridder references and therefore cannot in combination with either or both references be found to render the rejected claims obvious. Applicant respectfully requests reconsideration and withdrawal of the rejection.

**Conclusion**

In view of the offered amendments and remarks, Applicant respectfully submits that the application is in condition for allowance and requests its reconsideration.

Respectfully submitted,

January 12, 2006  
\_\_\_\_\_  
Date

By: \_\_\_\_\_  
John A. Burtis, Reg. No.: 39,924  
Telephone No.: 512-984-4672

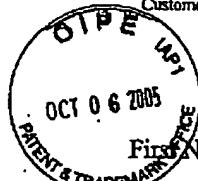
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Customer Number

Patent  
Case No.: 59037US002**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: JEGO STORA, CAROLE

Application No.: 10/770095

Group Art Unit: 1712

Filed: February 2, 2004

Examiner: Liang Peng, Kuo

Title: MICROSPHERE-FILLED SEALANT MATERIALS

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop: Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/4/05

Date

Signed by: John A. Burtis

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97, and 1.98, enclosed is a completed Form PTO-1449, citing references submitted for consideration by the Examiner. It is respectfully requested that the Examiner initial and return the enclosed Form PTO-1449 to indicate that each reference has been considered.

A copy of the cited U.S. patent is not enclosed.

This Information Disclosure Statement is being mailed after receipt of a first Office Action on the merits, but prior to the mailing of a Notice of Allowance under 37 CFR § 1.311. Please charge the fee for consideration of an Information Disclosure Statement set forth in 37 CFR § 1.17(p) to Deposit Account No. 13-3723, and if necessary, please charge any additional fees, or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

By:

John A. Burtis, Reg. No.: 39,924  
 Telephone No.: 512-984-4672

10/4/05

Date

Office of Intellectual Property Counsel  
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Substitute for form 1449A/PTO (modified)		Application Number	10/770095
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Filing Date	February 2, 2004
(Use as many sheets as necessary)		First Named Inventor	Jego Stora, Carole
		Art Unit	1712
		Examiner Name	Liang Peng, Kuo
		Attorney Case Number	59037US002

OCT 06 2005  
PATENT & TRADEMARK OFFICE

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U.S. Patent Documents					
Exam. Init.*	Cite No.	Document Number	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Doc. Number-(Kind Code if Known)			
	A1	US- 6,010,134	01-04-2000	Katoh	
	A2	US-			
	A3	US-			
	A4	US-			
	A5	US-			
	A6	US-			
	A7	US-			
	A8	US-			
	A9	US-			
	A10	US-			
	A11	US-			

Foreign Patent Documents						
Exam. Init.*	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Ctry. Code	Number-KindCode (if known)			
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*Examiner:	Date Considered:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Information Disclosure Statement)